

REMARKS/ARGUMENTS

The Applicant respectfully requests a one month extension of time for submitting the present amendment and has filed a petition for such an extension, along with the necessary fees, with this amendment.

Claim 1 stands rejected under 35 U.S.C. 112, second paragraph, as containing a term (i.e., "said portion") that lacks sufficient antecedent basis. Claim 1 has been amended to correct this antecedence problem.

Claims 1 and 8 stand rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent Application Publication No. 2003/0031124 by Chow et al. ("Chow") in view of U.S. Patent No. 6,775,239 to Akita et al. ("Akita"). In addition, Claims 2-6 and 9-11 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Chow, Akita, and in further view of U.S. Patent Application Publication No. 2002/0112072 by Jain ("Jain"). Furthermore, Claims 7 and 12 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Chow, Akita, Jain, and in further view of U.S. Patent No. 6,011,780 to Vaman et al. ("Vaman").

The claims have been amended with a view of better defining the invention having regard to the Examiner's comments. Consequently, the Examiner is respectfully requested to consider the amended claims in view of the following comments.

The Applicants' invention addresses the failure of a label switched path (LSP) tunnel in an intervening MPLS network that carries ATM traffic. Advantageously, the present invention provides for detection of the failure in the MPLS network and for re-rerouting of network traffic around the failure.

In view of the Examiner's comments and with a view to better defining the invention, Claims 1 and 8 have been amended to specify the detection of a failure in a LSP tunnel through the MPLS network by monitoring MPLS OAM connectivity verification (CV) frames passed over the LSP tunnel (i.e., between mediation gateways at either end of the LSP tunnel). In addition, Claims 1 and 8 have been amended to include the relevant limitations of Claims 2 and 9, respectively. Claims 2 and 9 have

been correspondingly amended. Furthermore, Claims 4, 5, 7 and Claims 10, 12 have been updated to reflect the amendments to Claims 1 and 8, respectively.

No new matter has been entered by these amendments. The Applicant believes that these amendments are fully supported by the specification.

Having amended Claim 1 as noted above, the Applicant believes that amended Claim 1 is patentable over Chow and Akita as these references do not teach or suggest the subject matter of amended Claim 1. In particular, Chow and Akita do not teach or suggest that element of amended Claim 1 that recites: “utilizing said second MPLS OAM protocol to detect a failure relating to a label switched path (LSP) tunnel in said second portion by monitoring connectivity verification (CV) frames of said second MPLS OAM protocol being passed over said LSP tunnel”. In addition, the Applicant believes that Claims 2-7, being dependent on amended Claim 1, and adding patentable features thereto, are also patentable.

In addition, having amended Claim 8 as noted above, the Applicant believes that amended Claim 8 is patentable over Chow and Akita as these references do not teach or suggest the subject matter of amended Claim 8. In particular, Chow and Akita do not teach or suggest that element of amended Claim 8 that recites: “a first module adapted to detect a failure relating to a label switched path (LSP) tunnel in said second portion utilizing said second MPLS OAM protocol by monitoring connectivity verification (CV) frames of said second MPLS OAM protocol being passed over said LSP tunnel”. In addition, the Applicant believes that Claims 9-12, being dependent on amended Claim 8, and adding patentable features thereto, are also patentable.

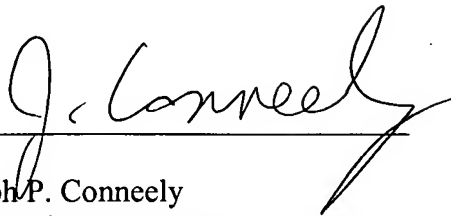
The Applicant respectfully requests that a timely Notice of Allowance be issued in this case.

Respectfully submitted,

McCarthy Tétrault LLP

Date: January 24, 2006

By

A handwritten signature in black ink, appearing to read "J. Conneely", written over a horizontal line.

Joseph P. Conneely

Registration No. 54,883

Telephone: (416) 601-8179

Fax: (416) 868-0673

McCarthy Tétrault LLP
Box 48, Suite 4700
66 Wellington Street West
Toronto Dominion Bank Tower
Toronto, Ontario, Canada
M5K 1E6